

IC 27-8-24.3

Chapter 24.3. Insurance and Health Plan Coverage for Victims of Abuse

IC 27-8-24.3-0.1

Application of chapter

Sec. 0.1. The addition of this chapter by P.L.188-1996 applies only to an insurance policy or a health plan issued, renewed, or entered into after June 30, 1996.

As added by P.L.220-2011, SEC.451.

IC 27-8-24.3-1

Applicability of chapter

Sec. 1. This chapter applies to every:

- (1) policy of accident and sickness insurance (as described in IC 27-8-5-1), whether written on an individual basis, a group basis, a franchise basis, a blanket basis, or under a preferred provider plan (as defined in IC 27-8-11-1);
- (2) group contract (as defined in IC 27-13-1-16) or individual contract (as defined in IC 27-13-1-21) through which a health maintenance organization furnishes health care services; and
- (3) policy of life insurance or disability insurance described under Class 1 of IC 27-1-5-1.

As added by P.L.188-1996, SEC.2.

IC 27-8-24.3-2

"Abuse" defined

Sec. 2. As used in this chapter, "abuse" refers to the occurrence of one (1) or more of the following acts between family members or current or former household members:

- (1) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury to, physical harm to, sexual assault on, involuntary sexual intercourse with, or rape of another individual.
- (2) Knowingly engaging in a course of conduct or repeatedly committing acts, including stalking (as defined in IC 35-45-10-1) or impermissible contact (as defined in IC 35-45-10-3), under circumstances that place the individual toward whom such acts are directed in reasonable fear of bodily injury or physical harm.
- (3) Subjecting another individual to false imprisonment.
- (4) Attempting to cause or intentionally, knowingly, or recklessly causing damage to property in order to intimidate or attempt to control the behavior of another individual.

As added by P.L.188-1996, SEC.2.

IC 27-8-24.3-3

"Individual" defined

Sec. 3. As used in this chapter, "individual" means a natural person whether adult or minor.

As added by P.L.188-1996, SEC.2.

IC 27-8-24.3-4

"An insurance policy or a health plan" defined

Sec. 4. As used in this chapter, "an insurance policy or a health plan" refers to an insurance policy or a health maintenance organization contract described in section 1 of this chapter.

As added by P.L.188-1996, SEC.2.

IC 27-8-24.3-5

"Insurer" defined

Sec. 5. As used in this chapter, "insurer" means a company, a firm, a partnership, an association, an order, a society, or a system:

- (1) making any of the kinds of insurance; or
- (2) entering into any of the kinds of contracts;

described in section 1 of this chapter.

As added by P.L.188-1996, SEC.2.

IC 27-8-24.3-6

Prohibited acts by insurer

Sec. 6. Except as provided in sections 7 and 8 of this chapter, an insurer may not do any of the following:

- (1) Deny or refuse to issue coverage on, refuse to contract with, or refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage on an individual under an insurance policy or a health plan because the individual:

- (A) has been, is, or has the potential to be a victim of abuse;
 - or

- (B) seeks, has sought, or should have sought protection from abuse, shelter from abuse, or medical or psychological treatment for abuse.

- (2) Add any surcharge or rating factor to a premium of an insurance policy or a health plan because an individual:

- (A) has a history of being;

- (B) is; or

- (C) has the potential to be;

a victim of abuse.

- (3) Exclude or limit coverage for losses or deny a claim incurred by a person covered by an insurance policy or a health plan as a result of abuse or the potential for abuse.

- (4) Designate that if an individual:

- (A) has a history of being a victim of abuse; or

- (B) is a victim of abuse;

the abuse is a preexisting condition that causes coverage to be denied for a specified period.

- (5) Ask an individual covered by or applying for an insurance policy or a health plan if the individual:

- (A) is, has been, or may be a victim of abuse; or

- (B) seeks, has sought, or should have sought protection from abuse, shelter from abuse, or medical or psychological

treatment for abuse.
As added by P.L.188-1996, SEC.2.

IC 27-8-24.3-7

Insurer may adjust premiums

Sec. 7. This chapter does not prohibit an insurer from adjusting premiums of an individual applying for or covered by an insurance policy described in Class 1(a) of IC 27-1-5-1 on the basis that the individual has a physical or mental condition or medical claims history.

As added by P.L.188-1996, SEC.2.

IC 27-8-24.3-8

Underwriting or rating risk on basis of physical or mental condition caused by abuse

Sec. 8. This chapter does not prohibit an insurer from inquiring about, underwriting, or rating a risk on the basis of a physical or mental condition, even if that condition has been caused by abuse if:

- (1) the insurer routinely underwrites or charges a different rate for that condition in the same manner with respect to all individuals who apply for or are covered by an insurance policy or a health plan regardless of whether the individual has been the victim of abuse;
- (2) the individual's status as being, having been, or having the potential to be the subject of abuse is not considered to be a physical or mental condition;
- (3) the insurer does not:
 - (A) refuse to insure or refuse to contract with;
 - (B) refuse to continue to insure or refuse to continue to contract with;
 - (C) limit the amount, extent, or coverage available; or
 - (D) charge a different rate for the same coverage;

solely because of a physical or mental condition, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actuarial or reasonably anticipated experience; and

- (4) the underwriting or rating is not used to evade the intent of this chapter.

As added by P.L.188-1996, SEC.2.

IC 27-8-24.3-9

Violations

Sec. 9. A violation of this chapter is an unfair and deceptive act and practice in the business of insurance under IC 27-4-1-4.

As added by P.L.188-1996, SEC.2.

IC 27-8-24.3-10

Immunity from liability

Sec. 10. An insurer is immune from civil and criminal liability for any damages caused as a result of the insurer's compliance with this

chapter.

As added by P.L.188-1996, SEC.2.